

REMARKS

The claims have not been amended.

Claims 18-33 and 41-54 remain pending in the application. Claims 1-17 and 34-40 were previously canceled.. Reconsideration and allowance of all of the claims are respectfully requested in view of the following remarks.

Regarding the Rejection of Claims 18-33 and 41-54 Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 18-28 and 41-54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,875,066 (hereinafter “Wolaver”). The Examiner has additionally rejected claims 29-33 under 35 U.S.C. § 103(a) as being unpatentable over Wolaver. The Applicants disagree with both rejections.

Referring to the declaration of James Macier, George Broughton and Evelyn Breznik filed herewith, the subject matter of claims 18-33 and 41-54 of the present application was conceived and actually reduced to practice by the Applicants at least as early as September 13, 2002. This date is prior to the February 28, 2003 filing date of U.S. Provisional Application No. 60/451,078, from which Wolaver claims priority.

Therefore, the claimed subject matter of the present application was invented prior to the effective date of Wolaver. As such, Wolaver cannot be cited as prior art against the present application under 35 U.S.C. § 102(e), and the Examiner is requested to withdraw his rejections of claims 18-33 and 41-54. See MPEP § 715.07 III.

Additional Remarks

The Applicants acknowledge the Examiner’s remarks in paragraph 1 of the office action that claims 1-17 and 34-40 are withdrawn from consideration as being drawn to a non-elected invention.

The Applicants wish to clarify that claims 1-17 and 34-40 were cancelled in a communication dated October 26, 2005, in response to the restriction requirement dated August 24, 2005. As such, these claims may be filed in future division applications.

In view of the above remarks, the Applicant respectfully submits that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

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